

EXHIBIT 4

February 28, 1934 letter to the Attorney General from Assistant
Secretary of the Interior Chapman

WRPT007764

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON

FEB 28 1934

The Honorable

The Attorney General.

My dear Mr. Attorney General:

There has been brought to our attention by your Special Assistant, Ethelbert Ward, the recent action of the attorney for the Walker River Irrigation District in requesting permission to reopen the suit entitled United States v. Walker River Irrigation District, et al, Nevada.

It appears the object of the defendants in reopening the case is solely for the purpose of offering new evidence tending to show the United States has abandoned the theory of its case in chief with respect to its claim as set up for a priority in the use of the waters involved dating from 1859. This position on the part of the defendants of course is erroneous and it is believed will have no effect on the ultimate outcome of the suit.

The basis for this new action is the fact that the United States now is undertaking the construction of a small reservoir with an estimated capacity of only 6,200 acre feet. This total storage is an insignificant quantity considering the area for which the United States is claiming an 1859 right. Funds for the construction thereof were secured from the Public Works Administration upon appropriate justification of the advisability and necessity for such storage unit. The pertinent part of the justification upon which the necessary funds were made available is as follows:

The present project was constructed from 1906 to 1910 and has been in use since that time. However, the water supply has been inadequate to meet the demands, and it is of urgent importance that storage be provided to hold flood waters for use during the latter part of the irrigation season. The item proposed is estimated to be sufficient to construct a storage reservoir having

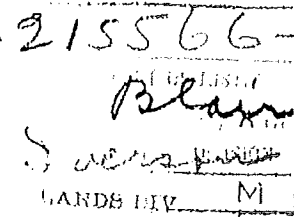


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a capacity of 6,200 acre feet which will serve to better distribute through the irrigation season the water available. The Indians of this reservation have been requesting a better water supply for many years, and it is believed they will take full advantage of any opportunity offered them to better their condition by increased irrigation farming.

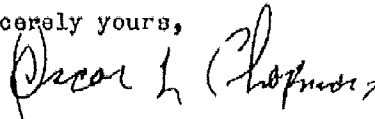
There is also quoted for your information and ready reference the justification of the local supervising engineer of the Indian Irrigation Service.

There has long been a demand for a storage reservoir on Walker River above the present diversion dam. This matter has been delayed, pending the adjudication of the waters of Walker River. A storage dam of 6,200 acre feet capacity is now believed to be absolutely necessary, regardless of the amount of water decreed the Indian lands due to irregular flow of Walker River.

It is manifest from the foregoing that there was and now is no intention of this Department to abandon or jeopardize its claimed water rights as set out in the amended bill of complaint in this case. The only purpose of constructing a small reservoir is to provide regulation of the available flow in the river, which regulation is necessary to properly utilize the water rights of the reservation.

It is respectfully recommended that the proposed reopening of the case be opposed vigorously and that appropriate action be taken looking to the protection of the interests of the Indians.

Sincerely yours,



Assistant Secretary.

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